

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CHICAGO DIVISION**

CASE NO.: 1:20-cv-05658

MINDEN PICTURES, INC.,

Plaintiff,

v.

DOSE MEDIA LLC fka SPARTZ LLC dba
OMGFACTS.COM,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MINDEN PICTURES, INC. by and through its undersigned counsel, brings this Complaint against Defendant DOSE MEDIA LLC fka SPARTZ LLC dba OMGFACTS.COM for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MINDEN PICTURES, INC. (“MPI”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute MPI’s original copyrighted Work of authorship in its Work.

2. MPI is recognized as the premier provider of rights managed wildlife and nature stock photos and feature stories. MPI’s collection covers key aspects of natural history, ecology, biodiversity, and endangered species from all continents including many remote and isolated regions. MPI also features images of human interaction with the natural world highlighting natural science research, conservation, environmental issues, indigenous peoples, and eco travel.

3. Defendant DOSE MEDIA LLC FKA SPARTZ LLC DBA OMGFACTS.COM (“Dose”) is a company that owns and operates the website located at the internet URL www.omgfacts.com (the “Website”). The Website is a human interest entertainment website that features articles about Mind, Body, Life, World and Future.

4. MPI alleges that Dose copied MPI’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Dose committed the violations alleged in connection with Dose’s business for purposes of advertising and promoting sales to the public in the course and scope of Dose’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Illinois.

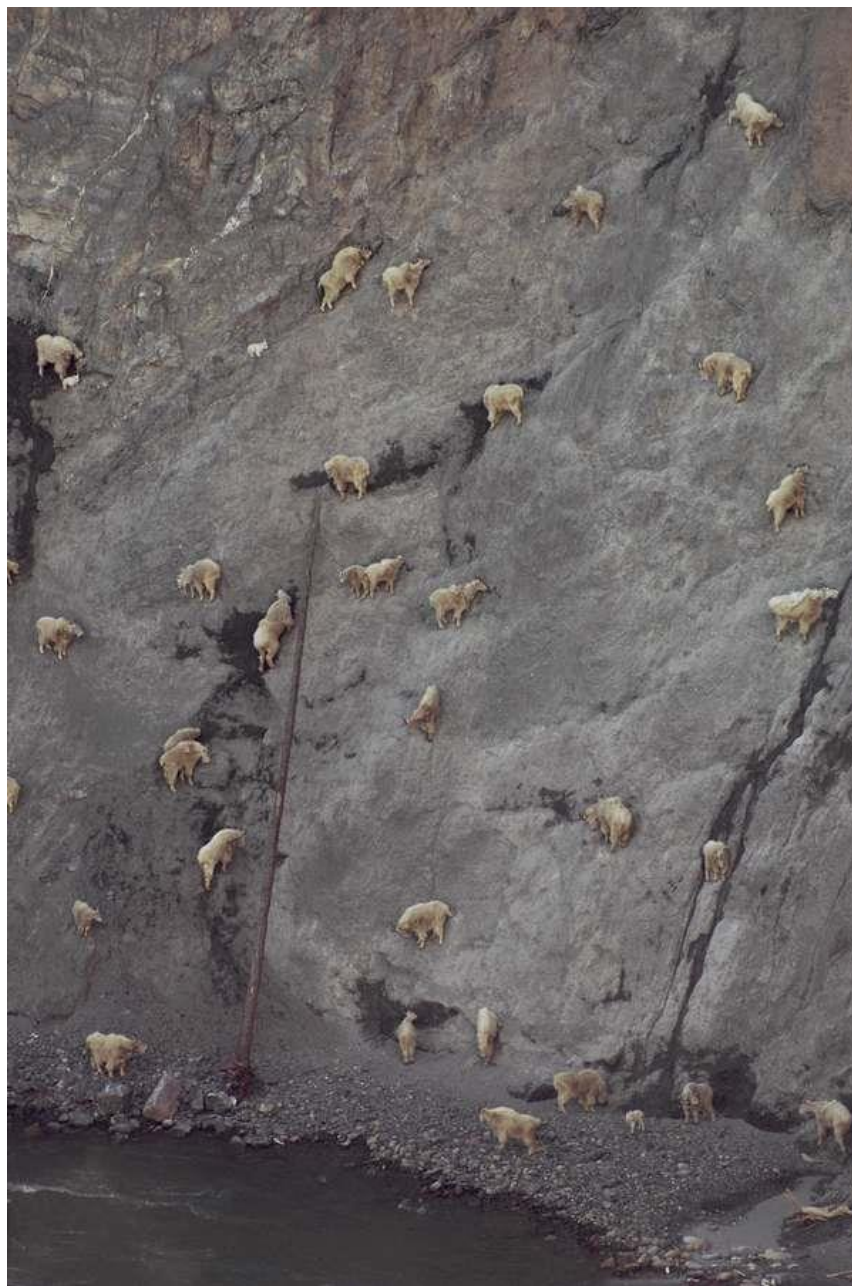
8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Dose Media LLC fka Spartz LLC dba OMGfacts.com is an Delaware limited liability company, with its principal place of business at 358 West Ontario Street, Suite 2E, Chicago, Illinois, 60654, and can be served by serving its Registered Agent, Legalinc Corporate Services, 200 East Randolph Street, Suite 5100 38, Chicago, Illinois, 60601.

THE COPYRIGHTED WORK AT ISSUE

10. In 2008, MPI created the photograph entitled “00236274,” which is shown below and referred to herein as the “Work.”



11. MPI registered the Work with the Register of Copyrights on December 23, 2008 and was assigned the registration number VA 1-725-391. The Certificate of Registration is attached hereto as Exhibit 1.

12. MPI's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times MPI was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. Dose has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Dose copied the Work.

16. On or about November 13, 2019, MPI discovered the unauthorized use of its Work on the Website in an article called "These Insane Goats Just Chill On Cliffs." The article was published on or about September 2017.

17. As of the time of the filing of this Complaint, Dose has not removed MPI's Work from the Website.

18. Dose copied MPI's copyrighted Work without MPI's permission.

19. After Dose copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its entertainment news website.

20. Dose copied and distributed MPI's copyrighted Work in connection with Dose's business for purposes of advertising and promoting Dose's business, and in the course and scope of advertising and selling products and services.

21. MPI's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

22. Dose committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

23. MPI never gave Dose permission or authority to copy, distribute or display the Work at issue in this case.

24. MPI notified Dose of the allegations set forth herein on May 21, 2020 and August 3, 2020. To date, Dose has failed to respond to Plaintiff's Notices. Copies of the Notices to Dose are attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

25. Plaintiff incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. MPI owns a valid copyright in the Work at issue in this case.

27. MPI registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

28. Dose copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without MPI's authorization in violation of 17 U.S.C. § 501.

29. Dose performed the acts alleged in the course and scope of its business activities.

30. Dose's acts were willful.

31. MPI has been damaged.

32. The harm caused to MPI has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendant Dose Media LLC fka Spartz LLC dba OMGfacts.com that:

- a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. Defendant be required to pay Plaintiff its actual damages and Dose's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: September 23, 2020

Respectfully submitted,

/s/Joel B. Rothman

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